

### **REMARKS**

These remarks are responsive to the final Office Action of February 5, 2004. Claims 1-20 are pending in the instant application. Claims 1, 6, 7, 9, 11, 13, 15 and 17 have been editorially amended for issuance and publication. New claim 20 has been added. Reconsideration and allowance of the instant application are respectfully requested.

### **Interview**

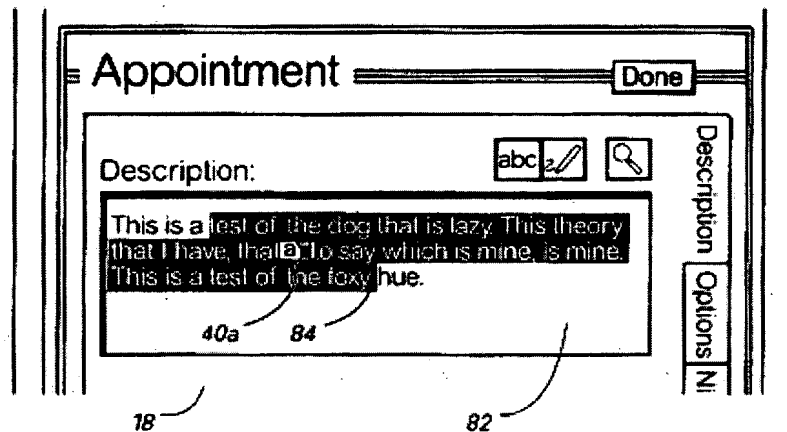
Applicants appreciate the Examiner granting a telephonic interview with Applicants' representative on April 5, 2004. Several claims were discussed with respect to the previous response. While an agreement was not reached, prosecution of the application was advanced. It is respectfully submitted that none the applied art discloses the recited features of the claims 1-20.

### **Claim Discussion**

The Office Action relies on U.S. Patent No. 5,760,773 to Berman et al. (hereinafter "Berman") as allegedly anticipating claims 1-19 (See Office Action ¶ 2). Independent claim 1 recites a method for selecting portions of electronic data on a display device that includes: generating a selection area identifying a first portion of said electronic data, wherein said selection area includes a plurality of *selection handles*, said selection handles being peripherally disposed to said selection area; receiving an input from a user associated with said selection handles *for detecting a movement of one of said selection handles from on said display; and determining whether said movement is associated with a upstream indication or a downstream*

indication; resizing said selection area among said selection handles *while maintaining a selection of said portions of the electronic data responsive to said step of determining* and said user input.

Berman describes different action handle embodiments having positioning of a single action handle. For example, Figure 8A of Berman is reproduced below for ease of explanation.



**FIG. 8A**

Figure 8A shows action handle 40a within a range 84 of selected text. (See, Berman, col. 19, lines 1-3). As discussed with respect to positioning of the action handle embodiments, Berman states for "a selected range of text on a single line," the action handle is either placed immediately above or below the text or centered horizontally with respect to the selected text. (See col. 14, lines 1-5). For a selected string of text that spans more than one line, "the action handle is preferably placed in the center of a bounding box of the selected text." (Col. 14, lines 6-10). Additionally, Berman discusses centering a single action handle in a selection of text. (See col. 22, lines 19-29). Applicants respectfully submit, in particular, nothing in Berman discloses a plurality of selection handles being peripherally disposed to the selection area and receiving an input from a user associated with said selection handles for detecting a movement of one of said selection handles from on said display; and determining whether said movement is

associated with an upstream indication or a downstream indication; resizing said selection area among said selection handles while maintaining a selection of said portions of the electronic data responsive to said step of determining and said user input, as recited in claim 1. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Additionally, Applicants point out that “[f]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art.” *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). In view of the foregoing, Berman lacks each and every feature as recited in claim 1. Accordingly, claim 1 is allowable over Berman for at least the noted reasons. Claims 2-5, 8, and 12-14 depending, directly or indirectly, from independent claim 1 are allowable for all the reasons given above, and further in view of the additional features recited therein.

Claim 6 recites a method for selecting portions of electronic data on a display device, comprising the steps of: displaying a selection area identifying a first portion of said electronic data, wherein said selection area includes two graphical selection handles on opposing ends of said identified selection area; receiving an input from a user for *movement* of at least one of said graphical selection handles; and resizing said selection area among said graphical selection handles *responsive to said user input of movement of the least one graphical selection handle and while maintaining a position of the other said graphical selection handle*. Berman fails to describe the recited method of claim 6. Notably, each of Berman’s action handles embodiments only includes a single action handle or icon. As noted in the foregoing, the positioning of the text action handle is either above, below, or centered on a text selection. There is simply no disclosure of the selection area including two graphical selection handles on opposing ends of the

identified selection area; and resizing said selection area among said graphical selection handles responsive to said user input of movement of the least one graphical selection handle and while maintaining a position of the other said graphical selection handle. Thus, Berman lacks a disclosure of each and every feature of claim 6. In view of the foregoing, independent claim 6 is allowable over Berman.

Claim 7 depends from independent claim 6 and is allowable for all the reasons given for claim 6 and in view of other distinguishing features. For example, Berman does not disclose a step of exchanging the selection handles when a first of the selection handles is relocated to an opposite end of the selection area. While the Office Action points to col. 13, lines 10-67 of Berman for an alleged teaching, at best, Berman merely discloses dragging an action handle. Berman absolutely lacks any disclosure of the recited exchanging step for the selection handles.

Regarding claim 9, among other features, Berman does not describe a step of resizing the selection area responsive to said user input, wherein the resizing *further comprises a step of automatically resizing the selection area to select an entire image object when the user relocates one of the selection handles over a portion of the image object*. The Office Action has pointed to col. 15, lines 8-67; col. 21, lines 7-57; and FIGS 8A-8C of Berman for an alleged disclosure. On the contrary, there is simply no disclosure of this concept in Berman. At best, Berman describes dragging an action handle to move it across a screen. Berman lacks a disclosure of each and every feature of claim 9. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d at 1236. In view of the foregoing, independent claim 9 is allowable over Berman.

Claims 10 and 11 depend from claim 9. Berman fails to disclose a selection area that further includes an image object handle (claim 10) and a rotational tool for rotating the selected

image object (claim 11). Notably, the discussion in Berman, *e.g.*, col. 23, lines 1-65, merely pertains to Object Oriented Programming.

Regarding independent claim 15, Berman fails to disclose the recited portable computing device. Among other features, Berman fails to describe a device configured to: display a selection area identifying a selected portion of text data in which the selection area includes first and second selection handles on opposing ends of the selection area; detect a user selection and *upstream or downstream movement* of said first selection handle; and resize said selection area responsive to said user selection and *detected movement* of said first selection handle. The Office Action has pointed to Figures 2-8C of Berman for an alleged disclosure of these features. Notably, as discussed in the foregoing, Berman's action handle embodiments have only a single action handle. There is no disclosure of the recited device features of claim 15. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d at 1236. Thus, Berman lacks a disclosure of each and every feature of claim 15. In view of the foregoing, independent claim 15 is allowable over Berman for at least the noted reasons.

Claims 16-20 depend from independent claim 15 and are allowable for all the reasons given above with respect to claim 15, and in view of further distinguishing features recited therein. For example, in claim 17, Berman does not disclose a device configured to automatically exchange selection handles when the user selects and moves the first selection handle to an opposite end of the selection area. The Office Action points to col. 25, lines 8-57 of Berman for an alleged teaching of this feature. On the contrary, the cited discussion in Berman merely pertains to Object Oriented Programming and does not teach or suggest the recited feature of automatically exchanging the selection handles. In claim 20, Berman fails to disclose that the electronic text data comprises electronic ink. Applicants respectfully disagree with the

paragraphs 2 and 3 of the noted Office Action for concepts (claims 1-19) in the previous response and reserve the right to file continuing applications thereof.

**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Respectfully submitted,

Dated May 5, 2004

By:

*for*

Will. T. Hensch  
Darrell G. Mottley  
Registration No. 42,912

Reg. No. 34,701

BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001